

March 18, 2010

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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: WT Docket No. 09-176; ET Docket No. 05-345; WT Docket No. 08-166; WT Docket No. 08-167; and ET Docket No. 10-24 Notice of Ex Parte Communication

Dear Ms. Dortch:

Following our meeting at the end of last month with representatives of the Wireless Telecommunications Bureau ("WTB") Mobility Division, and the WTB's Spectrum & Competition Policy Division, as well as the Office of Engineering and Technology (and the resulting Ex Parte filing, dated February 26, 2010), we were advised by Scot Stone of the WTB Mobility Division that the FCC needed NEI and UTC to provide a basis for the assertion, made in the meeting as well as in the Ex Parte filing, that Telex "equipment inventory/availability" is one of the five (5) issues that will effect the plants ability to transition from Telex equipment operating on channels above 698 MHz.

As recounted in our Ex Parte filing, the four (4) other factors presented by NEI and UTC that will materially effect the timeline for such a transition are (i) the plants' outage schedules (which can be anytime between this spring and 24 months away); (ii) planning and budget cycles; (iii) installation and testing of the new equipment inside the plants; and (iv) worker training on the new equipment, to the extent necessary.

We have conferred directly with senior Telex representatives who are responsible for the product production planning and for managing the facilities at which the BTR series is produced. They report that they do not carry much (if any) inventory of the BTR series equipment and that their normal monthly "run rate" is to produce and sell 30 base stations and 120 associated belt packs/headsets. Telex reports that they could double production such that there would be an additional inventory of 30 available base stations and 120 belt packs/headsets each month (the "Additional Monthly Inventory"). Should there be a unique month where delivery demand spikes, Telex advises that they could run a second shift and double the Additional Monthly Inventory, in order to meet such a demand fluctuations.

As NEI and UTC have previously explained, there are 104 nuclear plants throughout the United States. Based on our 2005 Survey, the average plant has 10 base stations and 50 belt packs/headsets. Thus the total Telex base station and headset use is roughly 1,040 base stations and 5,200 belt packs/headsets. Based on our 2009 Survey, roughly 40% of the plants' Telex equipment uses at least some channel groups that operate above 698 MHz. As such, NEI and UTC estimate that it will be necessary to replace roughly 415 base station and 2,080 belt packs/headsets, in order for the plants to maintain current levels of Telex equipment capacity.

Telex has also advised that it will be necessary for the plants and Telex to coordinate closely regarding the spectrum that is available at each plant location, well in advance of producing the base stations and belt packs/headsets. This is required since Telex will have to order from its vendors different circuit boards for different frequencies. As such, this is not a "one size fits all" production line and this fact could extend the timeline, depending on the unique frequency availability at each plant, as well as the efficiency of the plant-Telex communication and coordination to produce new Telex equipment that can operate successfully at each plant.

Accordingly, assuming that Telex is able to meet its production schedule, and assuming further that there is a reasonably efficient exchange of information between the plants and Telex about which frequencies are available, and that, as a result, the plants are able to make reasonably efficient use of the Additional Monthly Inventory, one can reasonably expect that the plants should be able to order and receive the replacement Telex equipment they need within 18-20 months. After that, each plant will need have enough time to manage the four other factors, noted above, that are prerequisites to using the Telex equipment for outages or other important plant maintenance communications. Given the unique circumstances and operating requirements of each of the plants, NEI and UTC estimate that these four additional steps could take anywhere from 4 months to 6 months to complete.

While this explanation suggests that the plants may be able to complete the transition within 2 years, NEI and UTC contend that it would put the safety of critical operations unnecessarily at risk to rely on the hope that there would never be a circuit board shortage or delay at the vendor who supplies those boards to Telex, and also unrealistic to expect that Telex's operations would always run with 100% efficiency, and that the plants and Telex would always exchange exactly the right information instantly, regarding the spectrum availability issues that are essential to the production of Telex equipment that can operate at each plant. It is also a fact that some plants (especially the ones that are the largest users of the Telex equipment) may not be able, from an operating budget perspective, to order and pay for all of the replacement equipment they will need during a single budget cycle.

As such, NEI and UTC respectfully suggest that a 3 year transition, commencing after the Order granting certainty to the plants rights to use the TV spectrum bands, is the timeframe necessary

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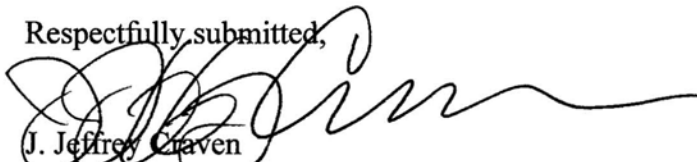
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for the plants to complete this important transition. NEI and UTC also note that Telex has suggested that it would be able to commence the production of the Additional Monthly Inventory by September 2010.

NEI, on behalf of UTC, is electronically filing this notice using the Commission's Electronic Filing System for inclusion in the dockets listed above.

Respectfully submitted,



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Counsel to Nuclear Energy Institute

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